

5 December 2014

John Calvani
Major Capital Projects Manager Rhodes
Canada Bay Council
1A Marlborough Street,
Drummoyne NSW 2047 Australia

Via email: John.Calvani@canadabay.nsw.gov.au

Dear John,

'The Connection' – DA 248/2014, 30 Shoreline Drive, Rhodes: Additional Information and Responses to Submissions

1 Introduction

Thank you for requesting Urbis to review and respond to the submissions received by Council (14 in total concerning DA 248/2014 for the proposed Rhodes Community Centre (to be known as 'The Connection'), 30Shoreline Drive, Rhodes.

The following documents accompany this letter:

- **Attachment A:** Submissions Review Table that outlines the topics and issues raised in the 14 submissions and responds to these issues.
- **Attachment B:** An extract from the 2005 Masterplan for Rhodes West.
- **Under Separate Cover:** Amended roof plans and building elevations which more accurately indicate the maximum building height including the skylight projections.
- **Under Separate Cover:** Visual Corridor Analysis drawings prepared by Crone Partners Architects.

Part 2 of this letter provides general comments on the submissions received, with a more detailed response being contained at **Attachments A and B**.

Part 3 of this letter lists and describes the amended plans **provided under separate cover**.

Part 4 of this letter elaborates on the view impact analysis provided in the SEE, with reference to the Visual Corridor Analysis set of drawings prepared by Crone Partners and **provided under separate cover**.

2 Submissions Table

The bulk of the issues raised in the submissions are concerned with an assumed incompatibility with other planning documents, view impacts, and traffic and parking.

An analysis of previously approved planning controls concluded that the proposed community centre is consistent with the Council vision detailed in each of these documents, and also is entirely consistent with the prevailing planning controls. References to these documents and the consistency with Council's vision is been outlined in the table at **Attachment A**.

Because of the detail required to address the view impact issues raised in the submissions, a concise view impact analysis has been incorporated into this letter (Section 3, below).

A separate traffic and parking response has been received, a copy of which is provided at Attachment D.

A number of the submissions repeat, more or less verbatim, issues raised in one or more other submissions.

An issue that was raised that will need to be separately responded to by Council is a comment regarding the "Berger War Memorial".

3 Amended Plans

3.1 SCHEDULE OF AMENDED PLANS

DRAWING NUMBER	DRAWING TITLE	REVISION DATE	NEW OR AMENDED
1007	Roof Plan – Building A	27/11/14	Amended
1008	Roof Plan – Building B	03/12/14	Amended
1009	Roof Plan – Building C	27/11/14	Amended
1010	Roof Plan – Building D	27/11/14	Amended
2001A	Elevations Shee 1 – Building A	03/12/14	New
2001B	Elevations Sheet 2 – Building A	03/12/14	New
2002	Elevations – Building B	03/12/14	Amended
2003A	Elevations Sheet 1 – Building C	03/12/14	New
2003B	Elevations Sheet 2 – Building C	03/12/14	New
2004	Elevations – Building D	03/12/14	Amended

3.2 DESCRIPTION OF AMENDMENTS

- Detailed skylight design completed.
- Acoustic enclosure added to Building A.
- Maximum building height marked on drawings.
- Additional elevations prepared.

3.3 REVISED BUILDING HEIGHT CALCULATIONS

BUILDING	PREDOMINANT ROOF HEIGHT (RL)	PREDOMINANT BUILDING HEIGHT (M)	MAXIMUM BUILDING HEIGHT (RL)	MAXIMUM BUILDING HEIGHT (M)
A	RL 10.25	6m	RL 11.43 (Acoustic Enclosure)	7.48m (Acoustic Enclosure)
B	RL 10.66	6.06m	RL 11.67 (Skylight)	7.07m (Skylight)
C	RL 10.66	6.06m	RL 11.48 (Skylight)	7.82m (Skylight)
D	RL 9.70	5.90m	RL 10.29 (Skylight))	6.50m (Skylight)

4 View Impact Analysis

4.1 INTRODUCTION

As is indicated in the SEE for The Connection, the low scale built form comprising a series of single storey buildings was endorsed through a winning Design Competition entry. Limiting the built form to a single storey rather than two storeys or more, was a deliberate design strategy to reduce view impacts on surrounding apartments, particularly with regard to views of the water and foreshore.

Included in the DA (at Appendix J to the SEE) was a View Corridor Analysis diagram prepared by Crone Partners. The diagram and accompanying commentary on view impacts, contained in the SEE, demonstrated the predominant retention of views towards Homebush Bay from the adjacent residential development. The analysis also demonstrated that a complying (12m high) building would have had a more significant impact on the adjacent residential development.

Notwithstanding this analysis, most submissions raised concerns about view impacts. As such, more detailed assessment has been undertaken in response to these concerns.

We now set out the applicable height controls, report on the site visit undertaken, review the View Corridor Analysis (photomontage) drawings prepared by Crone Partners, and provide a supplementary analysis of impacts based on the Planning Principles set out in *Tenacity Consulting v Warringah [2004] NSWLEC 140*.

Note: The view impact assessment only relates to the proposed buildings. There has been no consideration of the impact of any landscaping as it should be reasonably anticipated that landscaping is entirely appropriate in and around a public park and community facility.

4.2 BUILDING HEIGHT

The maximum permissible building height on the property is 12 metres above existing ground level (Canada Bay LEP 2013). The terms “building height” and “ground level existing” are defined in the Canada Bay LEP 2013.

The existing ground level on the site, as noted on the survey prepared by Denny Linker & Co. dated 10 January 2014, ranges from approximately RL 4.0m to RL 5.2m. The ground levels indicated on the Denny Linker survey are considered to be prevailing for the purpose of “ground level existing” because of their existence at the time of gazettal of the Canada Bay LEP 2013.

Based on the placement of the proposed buildings on the site, the architect used an existing ground level of RL 4.6m. As is indicated on the building elevation drawings submitted with the DA, the roof height is generally at RL10.6, while the proposed maximum building height including minor skylight projections is RL 11.48. Therefore, the predominant building height is 6 metres and the maximum building height measured to the top of the minor projecting features (skylight or acoustic enclosure) is 7.82 metres, which is well below the maximum permissible height limit of 12m.

A number of objectors suggested that the building was over 10m in height, not 6m, due to an apparent misunderstanding about the meaning of RL. RL (Reduced Level) is the height or elevation above the point adopted as the site datum for the purpose of establishing levels. (In Sydney, RL 0.0 is based on the average of tides on the east coast of Australia. At this site, RL 0.0 is 55cm below the mean high water mark of Homebush Bay.)

4.3 POTENTIALLY AFFECTED DWELLINGS

TO THE EAST

A series of 11 townhouses are located to the east of the site across Shoreline Drive. The townhouses are two storey, the ground level being elevated above the adjoining public domain level, with a roof terrace above (referred to herein as Ground, Level 1 and Level 2).

Two apartment buildings abut the townhouses to the north and south, with single level apartments.

TO THE NORTH

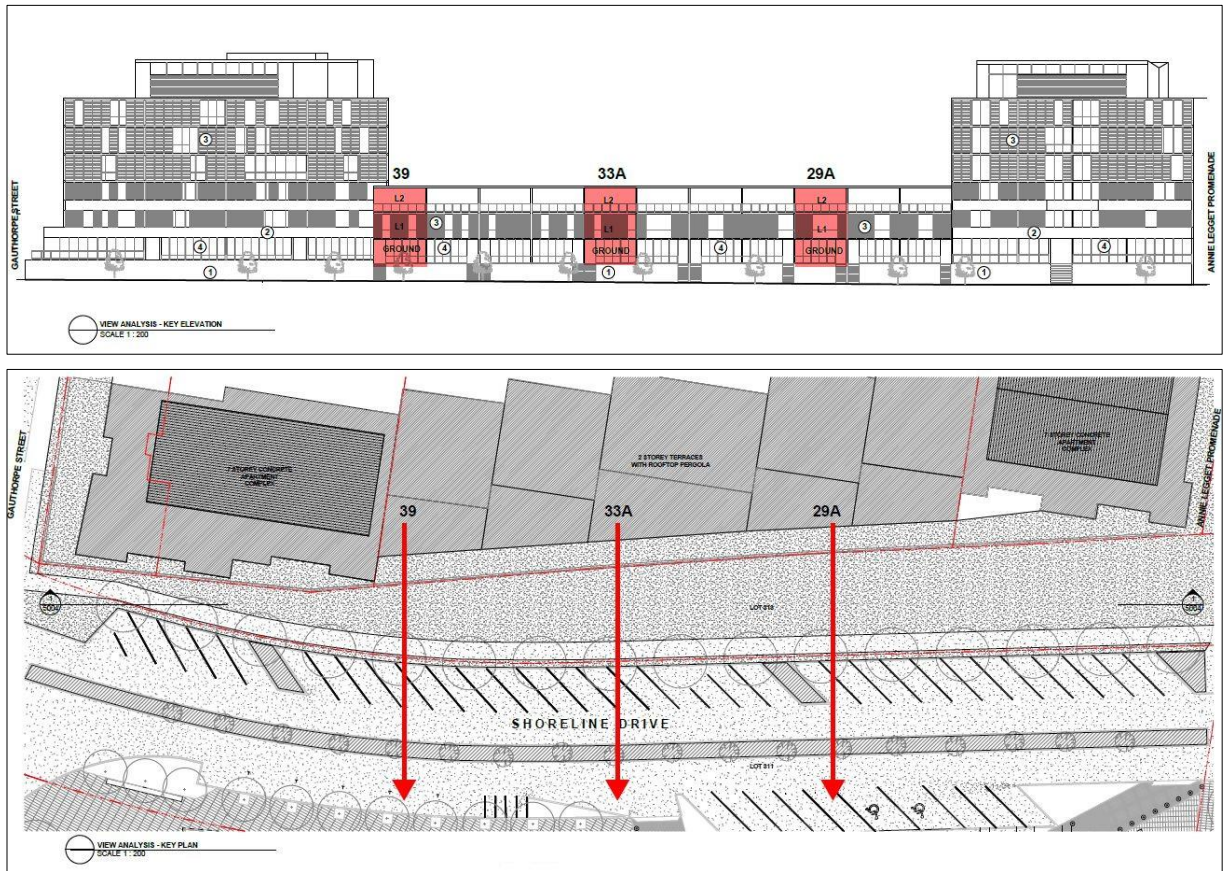
An apartment building is situated to the north of the site, bounded by Shoreline Drive, the extension of Gauthorpe St, and the foreshore.

4.4 SITE INSPECTION AND PHOTOMONTAGES

SITE INSPECTION

A site inspection was conducted by an architect from Crone Partners and an Urbis planning consultant on 9 October 2014, accompanied by a Senior officer of Council, during which photographs were taken from four of the eleven townhouses located on eastern side of Shoreline Drive, opposite the proposed building. No access was available to the apartment buildings abutting the townhouses, or to the apartments to the north.

Photomontages Subsequent to the site inspection, the project architect prepared photomontages of the proposed project as viewed from the ground level terrace, the level 1 terrace and the roof terrace, from three of the town houses that were toured (29A, 33A and 39 Shoreline Drive). This enables a specific or generalised assessment to be undertaken of the impacts on views of all apartments to the east.



ABOVE: LOCATION OF PHOTOMONTAGES – ELEVATIONAL AND PLAN VIEWS

PHOTOMONTAGE METHODOLOGY

The photographs and the photomontages used the following methodology.

Photographs were taken from at 1800mm above FFL height using a 18mm lens.

Each photomontage image has been produced as a type of panorama, stitching 3 photographs taken from a fixed position on the balcony/terrace of each level. The panorama is a combination of the views looking South-West, West and North-West. The resulting images therefore extend wider than the human field of view in a fixed position but would be similar to tracking South-West to North-West. The resulting images are therefore slightly skewed because of the nature of panoramic images but the proportions of proposed built form to water views and open space can still be well understood. They are not fisheye lens views.

The photomontages have utilised the architect's digital model which is based on surveyed levels, but the photomontages are not verified by a surveyor.

4.5 VIEW IMPACT – DWELLINGS TO THE EAST

4.5.1 EXISTING VIEWS

The Existing Condition site photos (provided on each view impact assessment plan) indicate that the properties in question currently enjoy good ground level views of the foreshore and Homebush Bay, some being filtered through the balcony structures and foreground or distant trees. Level 1 views are generally unrestricted, except where foreground trees impinge on the view of some dwellings. At Level 2, existing views are unrestricted.

Views of Olympic Park are available from Level 1 and Level 2. Only the most southerly apartments and townhouse would have glimpses of Olympic Park from their ground floor terrace.

4.5.2 VIEW IMPACT ON TOWNHOUSES TO THE EAST

At ground level, following completion of the development, views of the foreshore and Homebush Bay will be blocked from ground level terraces in the central part of the adjacent site. That is, townhouse numbers 29A, 31, 33, 33A, 35A, 37, 37A will have views of the foreshore and Homebush Bay wholly or largely blocked from their ground floor level. Peripheral views to Homebush Bay and open space will be available from the outer townhouses.

Townhouses 27 and 39, at the far ends of the row, will have partial views retained from the ground floor.

At Levels 1 and 2, views of the Homebush Bay, Olympic Park and the Wentworth Point foreshore opposite, will be retained for all townhouses.

4.5.3 VIEW IMPACT ON APARTMENTS TO THE EAST

View impacts are determined based on the completed photomontages, supplemented by assumptions made about how views will open up for townhouses and apartments to the north and south of the townhouses for which photomontages have been completed.

In this regard, two apartment buildings abut the townhouses to the north and south, with what we understand to be single level apartments.

As the ground floor apartments are located beyond the outermost townhouses, each will wholly or predominantly retain their direct views to the foreshore including, where available, views to Homebush Bay and Olympic Park.

Apartments from Level 1 upward will retain their existing views.

4.6 VIEW IMPACT – DWELLINGS TO THE NORTH

4.6.1 EXISTING VIEWS

At the southern frontage of the Monaco apartment building to the north, the elevated ground floor level is predominantly occupied by a commercial tenancy.

At the western end of the southern frontage, a single ground floor apartment has direct views across the open space to the south to Homebush Bay, although its primary views (living area and balcony) are westerly directly to Homebush Bay.

Above the ground level, apartments have direct views to the open space and oblique views of Homebush Bay and beyond. The first level of south facing single aspect apartments is at a considerable height above ground level due to the elevated podium and substantial commercial floor to ceiling heights below.

4.6.2 VIEW IMPACT ON APARTMENTS TO THE NORTH

A single apartment on the ground level at the south western corner of the building is expected to have southerly views across the park to Homebush Bay obstructed from bedrooms, however the key views from this apartment are to the west and there will be no impact.

Due to the height of the next level of apartments, it is expected that all other apartments in the building will retain their views to the south over the rooftop of the new buildings.

4.7 TENACITY ASSESSMENT

According to the Planning Principles for view loss established by the Land and Environment Court in *Tenacity Consulting v Warringah [2004] NSWLEC 140*, the proposal is able to be approved notwithstanding the view impacts. Below is an analysis based on the four-step assessment outlined in the Tenacity case.

1. *Views to be affected:*

See 4.5.1 and 4.6.1.

Generally the ground level living areas and terraces do not have any iconic views, although the ground level apartments at the southern end of the block have some views of Olympic Park. Level 1 and Level 2 roof terraces have iconic views of Olympic Park.

2. *From what part of the property the views are obtained:*

Views to the adjacent foreshore park, Homebush Bay and the opposite foreshore are obtained from the ground level living spaces, the ground level terraces, Level 1 master bedrooms, Level 1 terraces off the master bedrooms and Level 2 terraces. Views analysed were from a standing position.

3. *The extent of the impact:*

See 4.5.2, 4.5.3 and 4.6.2.

4. *The reasonableness of the proposal that is causing the impact:*

The proposed development is reasonable.

It fully complies with all applicable planning controls. The land is zoned B2 and the development of the land for a range of uses, including community facilities and restaurants, is permissible with consent.

The site is subject to a 12m height limit. The proposal is well below the maximum height limit.

The site has been identified for the purpose of a community building for over a decade. Properties to the east and north enjoy views from their ground levels as a result of the staging of development which has seen the community centre being constructed after the completion of the residential properties. It is further recognised that limited landscaping of

the vacant community site has further enhanced existing view corridors in an artificial manner.

Although in earlier master plan schemes a building was to be located on the northern half of the site only, the fact remains that a 12m height limit now applies to the entire B2 zoned land. The proposal has been skilfully designed specifically to limit view loss by reducing the building height to well below the maximum height limit. A 12m tall building constructed at the northern extent of the site to the maximum height limit would have the effect of blocking all views from affected townhouses and most ground and first floor apartments in the northernmost apartment block to the east. Instead, while more townhouses are affected, the impacts are partial and all apartments and townhouses retain some views.

5 Conclusion

In conclusion, it is considered that the proposal will provide considerable amenity benefits to the local and surrounding community through design aesthetics and the provision of public open space with connectivity to community facilities, cafes and restaurants. The development will not adversely impact on the development of the surrounding area, but rather contribute positively to its future development by the delivery of public amenity and employment opportunities. The view impact is considered to be to be acceptable and reasonable considering the extent of the impact, the history of the site and staging of development, the fact that the proposal was long anticipated, and the fact that the proposal not only complies with but significantly improves on the scale of impacts anticipated by the maximum height control.

Urbis once again thanks you for the opportunity to work together on this project. If you would like to discuss the submissions received or our response, please contact me directly on 8233 7609.

Sincerely,



Alison Brown
Associate Director

Attachment A – Submissions Table

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
1.	Arunasalam Ravindranath	Support the submission	n/a	The support of the submitter is noted.
2.	Raul Senise 33A Shoreline Dr.	View Impacts	The loss of valuable water views and the shoreline from townhouses and ground floor apartments located on the Eastern side of Shoreline Drive will result in a negative impact on property values.	Addressed in View Impact Analysis (under separate cover).
		Incompatibility with other plans	<p>Prior planning documents indicated that the land on which the community centre is proposed would be retained as open community park land and would be used for outdoor community facilities including tennis courts and a playground (modification application 89-4-2005). The site has historically been labelled as a “community lot” and the “community precinct”; titles that do not denote for buildings. Images in the Rhodes West DCP illustrate that that community centre site was depicted as open community park land.</p> <p>The Rhodes West DCP also stipulates that future constructions will not impede views from primary streets to open space and water, where the proposed project will block the view to open space,</p>	<p>Rhodes west DA 268-6-2003 was submitted on 12 June 2003 and determined by the Minister for Infrastructure and Planning in April 2005. This DA required that development should be in accordance with the Rhodes Masterplan Precinct B, dated February 2005. This Masterplan clearly indicates that a community facility and more specifically a community building were proposed on the subject property. Figure 105 from the Masterplan, provided under separate cover, depicts a building over part of the site to a height of 12m above Shoreline Drive. The footprint of the building has been extended beyond that envisaged in 2005, in order to accommodate the additional demand for community facilities arising from the expanded residential population compared with the 2005 Masterplan.</p> <p>The proposal for a community facility is entirely consistent with the designation as a “community lot” and “community precinct”.</p> <p>The Rhodes West DCP 2010 was adopted by Council in October 2010 and took effect on 20 April 2011, superseding the 2005 Masterplan. The visual simulations in the document depict the possible maximum building envelopes on the remaining vacant residential parcels in the area.</p>

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
			<p>Sydney Olympic Stadium and Homebush Bay along Shoreline Drive.</p> <p>The community centre DA does not comply with the planning principals of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) (Deemed SEPP).</p>	<p>Although these visual simulations do not depict the community centre building, the proposed community centre was either mentioned or illustrated on a minimum of 24 pages in the DCP. On page 71, the DCP outlines the community facility to be a 2 storey building (where only 1 storey is now proposed) and on page 83, the DCP requests incorporating cafes and restaurants into the design of the community facility in order to activate the Foreshore Park and Gauthrope Street extension. On page 85, in control 8, the DCP states that “to minimise visual impact and optimise views from the public domain, the community facility building sited within the Foreshore Park in Precinct B must not be higher than 12 metres.” (6 metres above ground level is proposed with this DA). In this regard, the proposed DA is consistent with the Rhodes West DCP 2010 and will adequately protect views from primary streets.</p> <p>As outlined in the SEE (page 21), the proposed DA is highly consistent with all relevant planning principles identified in clause 13 and 14 of the Sydney Harbour Catchment 2005.</p>
		Community Consultation Process	<p>The proposal negates the community consultation process with regards to the proposed height of the building (over 10m proposed, where 5-6m max was stated during the concept stage). Council has already raised the height of the parcel by 4m with the installation of a large retaining wall on the foreshore.</p>	<p>The plans indicate that the roofs of the buildings are between 10.292m and 11.665m above the Reduced Level (RL). RL is the height or elevation above the point adopted as the site datum for the purpose of establishing levels, and in this case, RL 0.0 is calculated from the Fort Denison tide gage.</p> <p>Building height is measured from existing ground level, that is, the ground level which applied at the time the LEP was made (2013). The predominant building height for all four buildings is between 5.895m and 6.055m above ground level. The maximum building height (as measured to the top of the skylights or acoustic enclosure) for all four buildings is between 6.497m and 7.823m above ground level. The proposed building</p>

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
				<p>height as measured to the top of the skylights is well below the 12m height limit which applies to the site.</p> <p>The original Masterplan for Rhodes West envisaged that the community building would be located on filled land to a maximum height of 12m above the level of Shoreline Avenue. During the major soil remediation works conducted on the site by Thiess Services Pty Ltd, contaminated and/or remediated soil and rock, excavated from elsewhere on site, was used to fill the site in accordance with relevant approvals.</p>
		Angled Parking/Privacy	<p>The angled parking will affect the living rooms of the townhouses and lower level apartments on shoreline drive because lights from cars will shine into these areas. Because commercial ventures are included in the proposal, the site will be used late into the evening which will affect the residents by adding noise, additional traffic and lights at night.</p>	<p>The proposal includes reverse angled parking which requires rear to kerb parking; therefore any headlights would only be coming from the other side of the road and would be obstructed by the landscape median. Typically, a reverse park manoeuvre takes a small amount of time before the car and lights are turned off.</p> <p>The basement level parking of the adjacent residential development rises approximately 2 metres above ground level as a solid brick wall which will be the primary area that car lights will shine towards.</p> <p>A new row of trees is proposed between the angled parking and the adjacent residential development.</p>
		Traffic/Parking	<p>The additional angled parking is not enough.</p> <p>There will be additional traffic.</p>	<p>A Traffic and Parking Report accompanied the DA addressing the adequacy of car parking and traffic impacts.</p> <p>It was assessed that the street has appropriate capacity to allow for additional traffic based on its level of service.</p>

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
				Furthermore, there are ample car parking facilities within 750m of the site, including car parking near Rhodes Train Station and Rhodes Waterside Shopping Centre.
3.	Matthew Hue Pak 35 Shoreline Dr.	View impacts, incompatibility with other plans, community consultation process, angled parking/privacy, and traffic/parking	Same comments as submission #2 regarding: view impacts, incompatibility with other plans, community consultation process, angled parking/privacy and traffic/parking.	Refer relevant responses to submission # 2.
		Streetscape/Design	The area is full of white apartment buildings with a modern outlook but the community centre is old style with a tiled roof and brick walls.	The proposed design is the winner of a design competition. It is modern and includes a metal roof with retractable awnings, precast stone cladding, timber cladding with expressed joints, large glass expanses and timber screens.
4.	Jenny Yan 29A Shoreline Dr.	View impacts, incompatibility with other plans, community consultation process, angled parking/privacy and traffic/parking	Same comments as submission #2 regarding: view impacts, incompatibility with other plans, community consultation process, angled parking/privacy and traffic/parking.	Refer relevant responses to submission # 2.
		Streetscape/Design	Same comments as submission #3 regarding streetscape/design.	Refer relevant response to submission # 3.

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
		Restaurants/Cafes	Restaurants and cafes are only for the benefit of Council because there are already plenty of restaurants in Rhodes but there is not enough open space/parks.	<p>The land on which the building will be erected is zoned B1 (Neighbourhood Centre) per the Canada Bay Council LEP 2013. The objective of this zone is to provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.</p> <p>The inclusion of a café in the building was identified in the 2005 Masterplan (Figure 105, attached). Page 83 of the Rhodes West DCP 2010 which supersedes the Masterplan, seeks to incorporate cafes and restaurants into the design of the community facility in order to activate the Foreshore Park and Gauthrope Street extension. The DCP also suggests considering possibilities for revenue generation in public spaces that do not conflict with the primary use of the space, to offset the cost of management (page 68).</p>
5.	Jim Xi 37A Shoreline Dr.	View impacts, incompatibility with other plans, community consultation process, angled parking/privacy and traffic/parking	Same comments as submission #2 regarding: view impacts, incompatibility with other plans, community consultation process, angled parking/privacy and traffic/parking	Refer relevant responses to submission # 2.
		Streetscape/Design	Same comments as submission #3 regarding streetscape/design.	Refer relevant response to submission # 3.
		Restaurants/cafes and traffic	Same comments as submission #4 regarding restaurants/cafes and traffic.	Refer relevant responses to submission # 4.

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
6.	Li Ting Zheng 37 Shoreline Dr.	View impacts, incompatibility with other plans, community consultation process, angled parking/privacy and traffic/parking	Same comments as submission #2 regarding: view impacts, incompatibility with other plans, community consultation process angled parking/privacy and traffic/parking.	Refer relevant responses to submission # 2.
		Streetscape/Design	Same comments as submission #3 regarding streetscape/design.	Refer relevant response to submission # 3.
		Restaurants/cafes and traffic	Same comments as submission #4 regarding restaurants/cafes and traffic.	Refer relevant responses to submission # 4.
7.	Xiaoqing Han 39 Shoreline Dr.	View impacts, incompatibility with other plans, community consultation process, angled parking/privacy and traffic/parking	Same comments as submission #2 regarding: view impacts, incompatibility with other plans, community consultation process, angled parking/privacy and traffic/parking.	Refer relevant responses to submission # 2.
		Streetscape/Design	Same comments as submission #3 regarding streetscape/design.	Refer relevant response to submission # 3.
		Restaurants/cafes and traffic	Same comments as submission #4 regarding restaurants/cafes and traffic.	Refer relevant responses to submission # 4.

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
8.	Dilipsinhji & Anita Jadeja (8 August, 2014) 33 Shoreline Drive	View impacts, incompatibility with other plans, community consultation process, angled parking/privacy and traffic/parking	Same comments as submission #2 regarding: view impacts, incompatibility with other plans, community consultation process, angled parking/privacy and traffic/parking	Refer relevant responses to submission # 2.
		Streetscape/Design	Same comments as submission #3 regarding streetscape/design.	Refer relevant response to submission # 3.
9.	Dilipsinhji & Anita Jadeja (18 August 2014) 33 Shoreline Drive	View Loss/Privacy	Adjacent property owners are seriously disadvantaged because they lose water views, privacy and peace from noise. Loss of views was never agreed to by adjacent property owners and was not dictated in any of the original plans. The facts and circumstances of all view loss cases are different and relevant to case law applicability. All neighbouring purchases that have occurred before the community centre was mentioned in any plan have a strong legal title to their views. The loss of views by built forms was never a part of any approved plans and view loss has been objected at every stage.	As previously outlined the site has been identified for a community building for a decade and is subject to a B1 Neighbourhood Centre zoning and 12m height limit. View loss is addressed in the View Impact Analysis (under separate cover).

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SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
	Property Value	Value of adjacent properties will significantly erode in what will result from the proposed DA. Intend to pursue claims through all legal means available.	The impact on individual property values is not a planning consideration. In general terms, the proposed community centre will provide considerable amenity to the residents of the Rhodes West area, as was assessed through the preparation of the Rhodes West DCP, and is in the public interest. The need for the proposed facilities stems from the significant residential development in the area. The SEE outlines the aims and opportunities of the proposed community centre as they relate to providing community infrastructure and benefiting the community at large.
	Incompatibility with other plans	The land was marked for “Open Space” or “Open Public Space” within a number of important documents. There was never an agreement to build a Community Centre on this land. The Rhodes Peninsula DCP already identified the land as “Public Open Space” (pages 24, 53 & 57). Sydney Regional Environmental Plan No. 29, Rhodes Peninsula Amendment No. 1 (dated 20/11/01) shows the land as “Open Space”.	<p>Rhodes west DA 268-6-2003 was submitted on 12 June 2003 and determined by the Minister for Infrastructure and Planning April 2005. This DA required that development should be in accordance with the Rhodes Masterplan Precinct B, dated February 2005. This Masterplan clearly indicates that a community facility and more specifically a community building were proposed on the subject property. Figure 105 from the Masterplan, provided under separate cover, depicts a building over part of the site to a height of 12m above Shoreline Drive. The footprint of the building has been extended beyond that envisaged in 2005, in order to accommodate the additional demand for community facilities arising from the expanded residential population compared with the 2005 Masterplan.</p> <p>The proposal for a community facility is entirely consistent with the designation as a “community lot” and “community precinct”.</p> <p>The Rhodes West DCP 2010 was adopted by Council in October 2010 and took effect on 20 April 2011, superseding the 2005 Masterplan. The visual simulations in the document depict the possible maximum building envelopes on the remaining vacant residential parcels in the area. Although these visual simulations do not depict the community centre</p>

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
				building, the proposed community centre was either mentioned or illustrated on a minimum of 24 pages in the DCP. On page 71, the DCP outlines the community facility to be a 2 storey building (where only 1 storey is now proposed) and on page 83, the DCP requests incorporating cafes and restaurants into the design of the community facility in order to activate the Foreshore Park and Gauthrope Street extension. On page 85, in control 8, the DCP states that “to minimise visual impact and optimise views from the public domain, the community facility building sited within the Foreshore Park in Precinct B must not be higher than 12 metres.” (6 metres above ground level is proposed with this DA). In this regard, the proposed DA is consistent with the Rhodes West DCP 2010 and will adequately protect views from primary streets.
		Approvals from RMS and Office of Water	Approval by the Roads and Maritime Services (RMS) was not attached to the DA. Approval by the NSW Office of Water was not attached to the DA.	<p>A copy of the DA was provided to RMS prior to formal lodgement in accordance with clause 49(2)(a) of the EP&A regulations.</p> <p>The DA was lodged as Integrated Development and the Office of Water will provide their General Terms of Approval as conditions to the DA, after which time a licence can be obtained.</p>
		Contamination/Toxicity of land and water	The land was the most toxic land in New South Wales. The toxic waste on the land and in the harbour had unacceptably high levels of dioxin and other chemicals. The water remains contaminated today.	As is noted in the SEE and in Appendix T (Geotechnical Report) of the DA, the site has been remediated by Thiess Services Pty Ltd and a Site Audit Statement (BE101-CC) was prepared for the site by AECOM Australia Pty Ltd that concludes that the site is suitable for its proposed use. A draft Construction Environmental Management Plan (Appendix X to the DA) was prepared to address the requirements of the Thiess Services Environmental Management Plan (EMP).

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
			<p>The design of the community centre includes a built form that extends into the water and people, including children, should not be interacting with the contaminated water because of exposure to dioxins and dioxin-like compounds.</p>	<p>The proposed overwater structure does not provide direct access to the water by way of stairs or the like.</p>
		Traffic/Parking	<p>The traffic requirements for the DA were never flagged in the Transport Management Plan (TMP) and development plans. A TMP approved by the NSW Minister for Urban Affairs and Planning prior to 2003-04 required a provision for basement car parking in residential, retail and commercial buildings. At present, resident car parking occupies the entire available street parking at all but office times. The proposal adds unbearably to the existing traffic and parking chaos.</p> <p>There are serious constraints with only 2 ingress and egress points to the Rhodes Peninsula. There is no spare capacity for these limited ingress and egress points to take on more traffic.</p>	<p>The Traffic Report outlined the assessment undertaken as a result of potential parking and traffic generation from the proposed development.</p> <p>It was assessed that the street has appropriate capacity to allow for additional traffic based on its level of service.</p> <p>The traffic and parking report finds that the proposed car parking provision is adequate to service the development as peak car parking demand is outside the current peak car parking hours for Shoreline Drive which could assist in accommodating additional parking if required. The Traffic and Parking Report justifies this stating that the various uses within the facility will also contain different peak operating hours, further reducing the likely parking demand for the overall facility. Additionally the Community Facility targets local uses, which will encourage the use of alternative transport means such as walking/cycling or utilising the nearby public transport options.</p> <p>Furthermore, there are ample car parking facilities within 750m of the site, including car parking near Rhodes Train Station and Rhodes Waterside Shopping Centre.</p>

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
			<p>Adding a community centre with additional transient traffic and adding only 23 additional parking spots is an understatement of real traffic needs. Parking is grossly underestimated, insufficient and making an already bad shortage of parking in the area worse.</p>	
		Existing Facilities	<p>There are already other options to serve the community; the community wants open public space and not a built form. There are 25 community activity centres available within 5 to 15 minutes from the Rhodes Peninsula. There are 4 libraries within easy reach of the Rhodes Peninsula. There are already 10 community centres within the Canada Bay Council controlled areas. There is an existing Rhodes Community Centre at 63 Blaxland Road that is capable of providing space for 60-100 people in one room and 30-40 in another and this centre has plenty of scope for redevelopment.</p>	<p>Although there are other community facilities located within the Canada Bay LGA, those facilities are unable to adequately accommodate the needs of the growing population of the Rhodes Peninsula into the future. The City of Canada Bay Community Facilities Resourcing Strategy states that a Community Development Plan was prepared by the NSW Department of Planning in relation to social infrastructure in Rhodes West, which identified a range of existing community facilities and services in the area, and identified deficiencies with these to support the future population. Community facilities and infrastructure were then incorporated into the Contributions Framework Plan which identified that there are relatively few local public or community facilities in the nearby area. The Rhodes West Master Plan Precinct B and the Rhodes West DCP incorporated this information to include the proposed multi-functional community centre on the site.</p>

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SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
	Existing Site Conditions and Excavation Potential	<p>The existing ground level of the site was recently created by council. There was no reason or justification for raising the level of the ground. Previously the land sloped nicely towards the water.</p> <p>Council has already raised the floor of the site in excess of 7 metres after the remediation was complete.</p> <p>The Construction Environmental Management Plan notes that remediation work can be done to the west side to lose 7 metres of its height that would allow for the buildings to be part sunken and to not block any views.</p> <p>Digging down 7 metres to accommodate the community centre and preserve views of the neighbours was possible.</p> <p>The residences to the east are not three story terraces; they consist of a basement below ground level of parking and laundry plus 2 stories above.</p>	<p>During the major soil remediation works conducted on the site by Thiess Services Pty Ltd, contaminated and/or remediated soil and rock, excavated from elsewhere on site, was used to fill the site to raise the levels in accordance with relevant approvals as is identified in Appendix T (Geotechnical Report) of the DA. It is recognised that additional fill was later added to raise the site levels between RL 4.0m and 5.0m. This Geotechnical Report states that disturbance of the contaminated/remediated material below the clean capping should be avoided where possible. The Thiess Environmental Management Plan indicates that the base of the clear capping layer varies from RL 2.1m to RL 3.2m across the site, which means that work should not be done on site below those points. Removing 7m of material would lead to exposure of contaminated/remediated material.</p> <p>The SEE and the architectural drawings refer to the adjacent terraces as 3 storeys because they have a ground level and two stories above ground level.</p>

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
		Restaurants/Cafes	There are already enough restaurants and cafes along Walker St., Mary St. and Rider Blvd. Restaurants and cafes are not a community use and council has no right to put a licensed restaurant and café on the property because it is illegal and is a money making proposition.	<p>The land on which the building will be erected is zoned B1 (Neighbourhood Centre) per the Canada Bay Council LEP 2013. The objective of this zone is to provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.</p> <p>The inclusion of a café in the building was identified in the 2005 Masterplan (Figure 105, attached). Page 83 of the Rhodes West DCP 2010 which supersedes the Masterplan, seeks to incorporate cafes and restaurants into the design of the community facility in order to activate the Foreshore Park and Gauthrope Street extension. The DCP also suggests considering possibilities for revenue generation in public spaces that do not conflict with the primary use of the space, to offset the cost of management (page 68).</p>
		Council Use	Council staff offices must not occupy any main waterfront areas of Sydney. The use of the space by council staff is not a use by community. Object to 15 council staff occupying the proposed buildings.	<p>The DA indicates that up to 15 staff may be employed at the facility once it is fully operational. This figure includes staff of the restaurant / café. The plans indicate that the area reserved for Council staff is approximately 45m² and will be located in Building B and will front onto Shoreline Drive. It is anticipated that only 2 Council employees will be permanently on site, associated with the library and community facility. The area reserved for Council staff will also be utilised by locally based grounds and law enforcement staff as a break space.</p>
		Noise	The DA does not comply on account of noises made by the use of the community centre including, but not limited to: patron use, restaurant and café noise until late at night, parking	<p>Appendix Q (Acoustic Report) of the DA concludes that the predicted noise levels presented in the report showed that the most stringent noise criterion (night time criterion) will be met with the implementation of the proposed mitigation measures outlined in the noise impact statement.</p>

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
			noises, event functions, waste removal vehicles, etc. Construction of the built form will add noise, pollution and dust.	A detailed construction management plan will be prepared prior to the commencement of works.
		Design/Streetscape	The buildings are a total misfit for the area. The existing streetscape is modern with mostly white buildings full of glass and water views from everywhere. The proposed community centre destroys the open views and is not an open glass building; it looks old styled and solid built. The aesthetics is not pleasing. The attachment called schedule of colour and material says nothing about the external material and colours. The photo montage section only provides two pictures where more would have been appropriate.	The proposed design is the winner of a design competition. It is modern and includes a metal roof with retractable awnings, precast stone cladding, timber cladding with expressed joints, large glass expanses and timber screens. The proposed development is registered under the Green Building Code of Australia with the ambition of receiving a 5 star green star as built rating. It incorporates energy efficient building materials and it will provide for the efficient use of natural resources. Appendix H (Schedule of Colours) of the DA outlines the proposed building materials and the colours of these materials.
10.	Hua Tong 29 Shoreline Dr.	View Loss	The loss of valuable water views will be at the cost of the owners of the adjacent properties.	Addressed in View Impact Analysis (under separate cover).
		Loss of Open Space	It is in the interest of all people living in the precinct to keep the existing open space and to not add any more buildings.	Appendix L (Landscape Package) of the DA illustrates the retention of the existing open space area in the Foreshore Park immediately to the south of the community centre lot. It also illustrates a civic park adjacent to the community centre, an outdoor amphitheatre and stage adjacent to the foreshore, various lookouts and retention of the existing foreshore pathway to be preserved for community use.

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
11.	Carol Kendall, Rosalie Holdsworth and Jenny Nicholls	Support the submission	The proposed design meets many aspirations of the community by utilising a site set aside many years ago for the purpose of a community centre, and will make a strong architectural statement and add variety to the visual appearance of Rhodes West.	The support of the submitter is noted.
		Berger War Memorial	Would like the Berger War Memorial brought back to a location in the vicinity of the community centre. Would like the placement of the memorial to include seating so that it can be used as a place of reflection.	A supplementary response will be submitted under separate cover.
12.	Megha Kaushik 701/36 Shoreline Dr.	Parking	Additional restaurants and other buildings near the community centre will increase the parking problem in Rhodes. Parking on Shoreline Drive is an existing problem because of the high density residential and commercial buildings in the area. Anything additional will exacerbate the problem.	<p>The Traffic Report outlined the assessment undertaken as a result of potential parking and traffic generation from the proposed development.</p> <p>The Traffic Report finds that the proposed car parking provision is adequate to service the development as peak car parking demand is outside the current peak car parking hours for Shoreline Drive which could assist in accommodating additional parking if required. The Traffic and Parking Report justifies this stating that the various uses within the facility will also contain different peak operating hours, further reducing the likely parking demand for the overall facility. Additionally the Community Facility targets local uses, which will encourage the use of alternative transport means such as walking/cycling or utilising the nearby public transport options.</p>

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
				Furthermore, there are ample car parking facilities within 750m of the site, including car parking near Rhodes Train Station and Rhodes Waterside Shopping Centre.
		View Loss	Any partial or entire obstruction of existing water (Parramatta River) and open space (Rhodes Playground) views will create a negative psychological impact.	Addressed in View Impact Analysis (under separate cover).
		Loss of Open Space	People conduct exercise classes, ball games and dog training classes every day in this area and losing it would be a loss to all residents.	Appendix L (Landscape Package) of the DA illustrates the retention of the existing open space area in the Foreshore Park immediately to the south of the community centre lot. It also illustrates a civic park adjacent to the community centre, an outdoor amphitheatre and stage adjacent to the foreshore, various lookouts and retention of the existing foreshore pathway to be preserved for community use.
13.	Sonja Marte 910/2 Peak Rd.	Parking	Plans should be altered to accommodate at least 60 spaces on-site to account for the 240 visitors expected during peak times. There is already a parking problem in Rhodes along Peak Street and Shoreline Road because the parking within the apartment buildings is not sufficient and residents are parking on the streets. Further apartment development underway will create an even greater parking problem. The parking report has major flaws	The Traffic Report outlined the assessment undertaken as a result of potential parking and traffic generation from the proposed development. This Traffic report finds that the proposed car parking provision is adequate to service the development as peak car parking demand is outside the current peak car parking hours for Shoreline Drive which could assist in accommodating additional parking if required. The Traffic and Parking Report justifies this stating that the various uses within the facility will also contain different peak operating hours, further reducing the likely parking demand for the overall facility. Additionally the Community Facility targets local uses, which will encourage the use of alternative transport means such as walking/cycling or utilising the nearby public transport options.

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
			concerning the dates it was conducted and the hours when it was conducted. Many non-residents will be using the proposed facilities.	<p>Traffic survey were undertaken during PM peak hour, which is standard engineering practice when assessing potential traffic impacts for future developments</p> <p>Furthermore, there are ample car parking facilities within 750m of the site, including car parking near Rhodes Train Station and Rhodes Waterside Shopping Centre.</p>
		Pedestrian Safety	Crossing shoreline drive is already difficult and the extra traffic will make it even harder to cross. Two pedestrian crossings should be incorporated: one from the river walk across Shoreline Drive to get to the crossing at the Rhodes shops, and the other in close proximity to the council facilities.	<p>RMS outlines specific warrants for the implementation of pedestrian crossings with minimum number of vehicles and pedestrians crossing within the area over specified times. It is not anticipated that these warrants would be met based on current volumes and predicted traffic volumes.</p> <p>Shoreline Drive has a central median which allows a point of refuge for pedestrians to negotiate a single lane of traffic at one time, increasing safety when compared to an undivided road .</p>
		Safety and Vandalism	Because no fences are proposed around the buildings and because of the way that the buildings are designed, anybody can use the areas around the buildings day and night and could not be seen from the street. The designs should be altered and there should be a boundary fence and/or 27/7 security.	<p>The proposed development optimises safety and security by maximising active ground floor uses, surveillance of open space/communal areas, and providing clearly identifiable building entrances to both Community and Restaurant components. An integrated approach to safety will improve actual and perceived personal security in pedestrian public domain areas. Some features of the project that address the issues of safety and vandalism are: all paths are overlooked from adjoining buildings and adjacent streets which will provide a high level of passive surveillance; all external spaces will have multiple clear sight lines and all paths will be well lit at night time and designed to meet relevant Australian Lighting Standards.</p>

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
14.	Simon Calleia 27 Shoreline Dr.	View Loss	The loss of water views represents a significant loss of amenity and a loss of significant value. At the time of purchase Council was consulted so as to assert that there were no development plans proposed between the Shoreline Drive apartments and the water.	<p>The history of the site is addressed elsewhere in this response. Further, the site is zoned B1 and has a 12m height limit.</p> <p>View loss is addressed in the View Impact Analysis (under separate cover).</p>
		Loss of Open Space	There will be a loss of overall amenity to the community resulting from the construction of this building because a public green space is much more valuable to the community as a whole rather than a more specifically targeted community centre. This area should be preserved as public green space.	<p>Appendix L (Landscape Package) of the DA illustrates the retention of the existing open space area in the Foreshore Park immediately to the south of the community centre lot. It also illustrates a civic park adjacent to the community centre, an outdoor amphitheatre and stage adjacent to the foreshore, various lookouts and retention of the existing foreshore pathway to be preserved for community use.</p> <p>The Rhodes Masterplan Precinct B, dated February 2005, clearly indicates that a community facility and more specifically a community building were proposed on the subject property. Figure 105 from the Masterplan, provided under separate cover, depicts a single building over part of the site. The footprint of buildings has been extended beyond that envisaged in 2005, in order to accommodate the additional demand for community facilities arising from the expanded residential population compared with the 2005 Masterplan, and in order to keep the proposed development to a single level.</p> <p>The City of Canada Bay Community Facilities Resourcing Strategy states that a Community Development Plan was prepared by the NSW Department of Planning in relation to social infrastructure in Rhodes West, which identified a range of existing community facilities and services in the area, and identified deficiencies with these to support the future population.</p>

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	SUBMITTER NAME	TOPIC	ISSUE	RESPONSE
				<p>This plan identified the needs for some formal and informal recreation facilities. These such community facilities and infrastructure were then incorporated into the Contributions Framework Plan which identified that there are relatively few local public or community facilities in the nearby area. The Rhodes West Master Plan Precinct B and the Rhodes West DCP incorporated this information to include a proposed multi-functional community centre on the proposed site.</p>
		Angled Parking	<p>The angled parking will result in headlights being shone into the living rooms of the town houses along shoreline drive.</p>	<p>The proposal includes reverse angled parking which requires rear to kerb parking; therefore any headlights would only be coming from the other side of the road and would be obstructed by the landscape median. Typically, a reverse park manoeuvre takes a small amount of time before the car and lights are turned off.</p> <p>The basement level parking of the adjacent residential development rises approximately 2 metres above ground level as a solid brick wall which will be the primary area that car lights will shine towards.</p> <p>A new row of trees is proposed between the angled parking and the adjacent residential development.</p>

Attachment B – 2005 Masterplan Extract

design principles: type 09

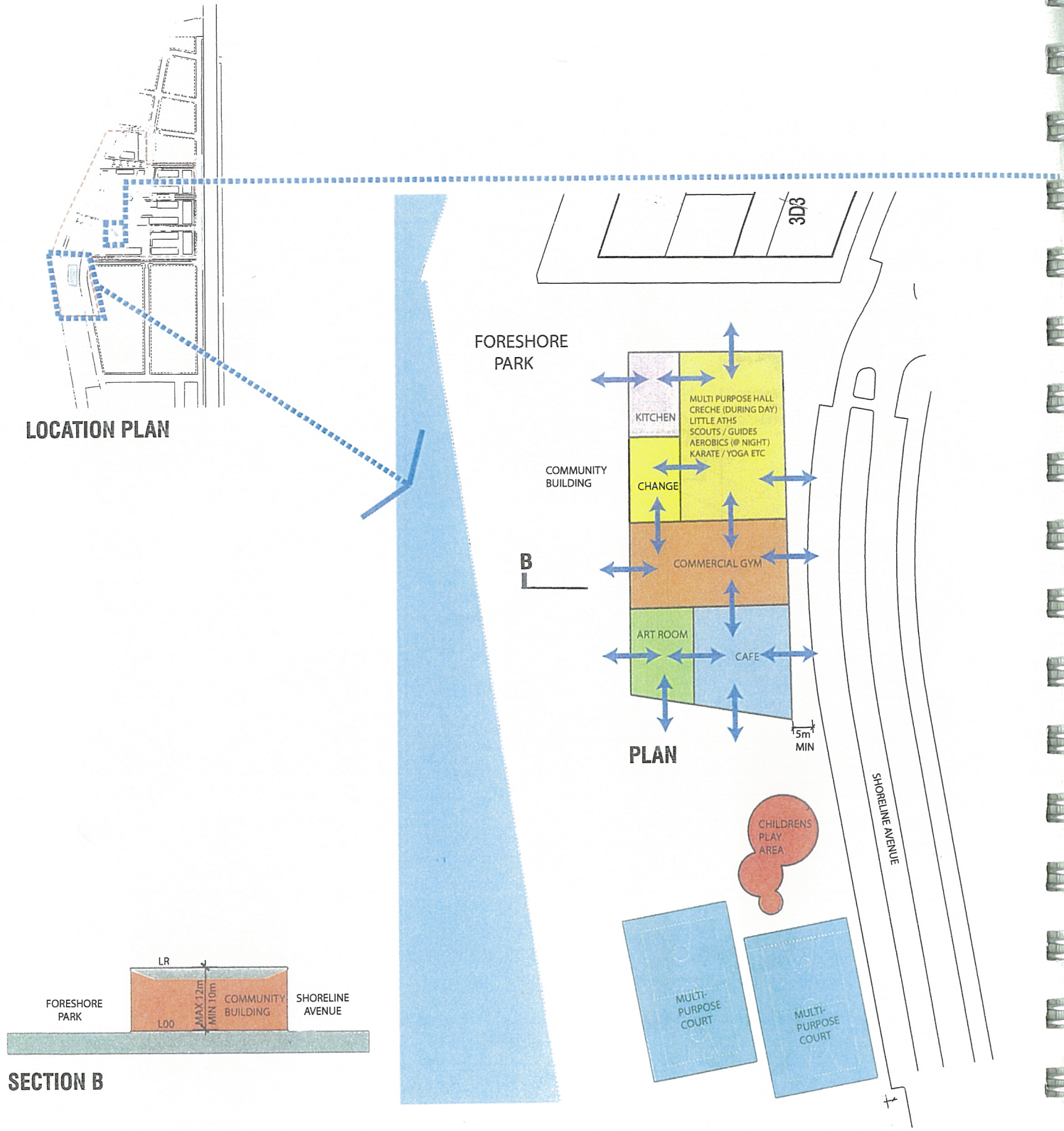


FIGURE 105: Design Principle Type 09